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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/993,888	11/27/2001	Mark E. Pennell	10005.000110	7693
31894	7590	08/17/2004	EXAMINER	
OKAMOTO & BENEDICTO, LLP P.O. BOX 641330 SAN JOSE, CA 95164			MISTRY, O NEAL RAJAN	
			ART UNIT	PAPER NUMBER

2173

DATE MAILED: 08/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/993,888

**Applicant(s)**

PENNEL ET AL.

**Examiner**

O'Neal R Mistry

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other. _____  |

### DETAILED ACTION

1. This application has been examined.
2. Claims 1-34 are presented for examination.

### *Drawings*

The Examiner contends that the drawings submitted on November 27, 2001 are acceptable for the examination proceedings.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
  2. Ascertaining the differences between the prior art and the claims at issue.
  3. Resolving the level of ordinary skill in the pertinent art.
  4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
3. Claim 1-34 rejected under 35 U.S.C. 103(a) as being unpatentable over Landsman et al (U.S. Patent Number 6,687,737) in view of Cragun et al (U.S. Patent Number 6,324,553).
  4. In regards to claim 1, Landsman shows an internet distributor of advertisements that is download to the client computer by the server computer via network. The server

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forces information to the client browser, which is additional code that is inserted into the client browser, that allows an advertisement to be displayed on the screen. Specifically, an HTML advertising tag is embedded into a web page. Landsman does not disclose a method of removing an advertisement blocker, meaning when the server forces information to the client browser, the browser refuses to accept the data from the server. However, if an advertisement blocker is enabled on a client browser, Landsman is essentially motivated to develop a strategy to overcome the advertisement blocker.

Cragun shows the ability for a browser to selectively disable or enable viewable objects on a document. The object's functionality of being displayed is controlled by the tags in the browser by the user selection. The user decides which tags are blocked and the browser saves the control tags for the objects. Also, Cragun states disabling the window-blocking mechanism (col. 10 lines 27-37)

It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to make an innovative software that has the ability to block an advertisement blocker, which was stated by Cragun, to allow advertisement to be sent to client browsers, which was stated in Landsman.

The modifications would have been obvious because one of ordinary skill in the art would have been motivated to suggest that advertisement distributor over the network should also have the ability of removing an advertisement blocker on the client so that the advertisements in a browser could be displayed.

5. In regards to claim 2, Landsman in view of Cragun suggests the act of disabling the window-blocking mechanism by removing the window-blocking mechanism from the

computer. The examiner notes that the user has the ability to remove entries from a blocking list, a feature useful, then, to Landsman an information handling system should also have the ability to execute this function of removing entries from a blocking list.

6. In regards to claim 3, Landsman in view of Cragun suggests the act of disabling the window-blocking mechanism includes removing a component of the window-blocking mechanism from the computer. The examiner notes that if the user has the ability to delete entries from a blocking list, a feature useful, then, to Landsman an information handling system should also have the ability to execute this function of removing entries from a blocking list.

7. In regards to claim 4, Landsman in view of Cragun suggests the act of disabling the window-blocking mechanism includes altering a component of the window-blocking mechanism. The examiner notes that if the user has the ability to delete entries from a blocking list, which the user can also alter components, i.e. can be a list of items that need to be blocked, a feature useful, then, to Landsman an information handling system should also have the ability to alter components of the window-blocking mechanism.

8. In regards to claim 5, Landsman in view of Cragun suggests the act of disabling the window-blocking mechanism includes closing the window-blocking mechanism. The examiner notes that if the user has the ability to delete entries from a blocking list, that the user can also remove all components, components meaning a list of items that need to be blocked, of the window-blocking mechanism. If the user removes all the components in the window-blocking mechanism, the user is essentially closing the window-blocking mechanism, a feature useful, then, to Landsman an information

handling system should also have the ability to remove all components in the window-blocking mechanism.

9. In regards to claim 6, Landsman shows an internet distributor of advertisements that is download to the client computer by the server computer via network. The server forces information to the client browser, which is additional code that is inserted into the client browser, that allows an advertisement to be displayed on the screen. Specifically, an HTML advertising tag is embedded into a web page. Also, Landsman discloses "launching a new window in a computer " (col. 32 lines 37-38) but does not disclose a method of removing an advertisement blocker, meaning when the server forces information to the client browser, the browser refuses to accept the data from the server. If an advertisement blocker is enabled on a client browser, Landsman essentially develop a strategy to overcome the advertisement blocker.

Cragun shows the ability for a browser to selectively disable or enable viewable objects on a document. The object's functionality of being displayed is controlled by the tags in the browser by the user selection. The user decides which tags are blocked and the browser saves the control tags for the objects. Also, Cragun discloses "the computer including a window-blocking mechanism" (col. 10 lines 17-22) & "preventing the window from being blocked by the window-blocking mechanism" (col. 13 lines 40-44).

It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to make an innovative software that has the ability to block an advertisement blocker, which was stated by Cragun, to allow advertisement to be sent to client browsers, which was states in Landsman.

The modifications would have been obvious because one of ordinary skill in the art would have been motivated to suggest that advertisement distributor over the network should also have the ability of removing an advertisement blocker on the client so that the advertisements in a browser could be displayed.

10. In regards to claim 7, Cragun states the window is a browser window and the act of preventing the window from being blocked is performed while the computer is coupled to the Internet (col. 10 lines 27-36). The examiner interprets that the blocking-list in the web browser has the ability to block URL-images, which means it is connected to the internet.

11. In regards to claim 8, Cragun states the act of preventing the window from being blocked includes incorporating a non-functional feature on the window (col. 10 lines 27-37). The examiner interprets in the prior art that if the user has the ability to choose what type of images need to be blocked, what directories need to be blocked, or what type sites need to be blocked, the user has the act of preventing the window from being blocked that incorporates a non-functional feature on the window.

12. In regards to claim 9, Cragun discloses the non-functional feature includes a non-functional attribute (col. 10 lines 23-26). The examiner interprets that the user has the ability to make active or inactive the blocking functions on a window.

13. In regards to claim 10, Cragun states the non-functional feature includes a non-functional menu bar. (col. 10 lines 23-26). The examiner interprets in the broadest form that the user has the ability to make active or inactive the blocking functions on a window. If an item needs to be blocked or unblocked on a menu bar then the user has



the ability to choose in the menu-options in Fig. 7b to block/unblock specific images or entire sites on any location of window, which could mean the menu bar.

14. In regards to claim 11, Cragun discloses the non-functional feature includes a non-functional tool bar. (col. 10 lines 23-26). The examiner interprets in the broadest form that the user has the ability to make active or inactive the blocking functions on a window. If an item needs to be blocked/unblocked on a tool bar then the user has the ability to choose in the menu-options in Fig. 7b to block/unblock specific images or entire sites on any location of window, which could mean the tool bar.

15. In regards to claim 12, Cragun discloses wherein the non-functional feature includes a non-functional field (col. 10 lines 23-26). The examiner interprets in the broadest form the word field could be a window field, menu field, or text field and that the user has the ability to make active or inactive the blocking functions on a window. If an item needs to be blocked/unblocked on a field then the user has the ability to choose in the menu-options in Fig. 7b to block/unblock specific images or entire sites on any location of window, which could mean the field.

16. In regards to claim 13, In a system such as Landsman's system that access internet resource it is inherent that an identification and authentication fields are required when accessing a internet resources.

In regards to claim 14, In a system such as Landsman's system that access internet resource it is inherent that an identification and authentication fields are required when accessing a internet resources.

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17. In regards to claim 15, Cragun states the act of preventing the window from being blocked includes repeatedly manipulating a characteristic of the window (col. 16 lines 37 – col. 17 lines 19). The examiner interprets in the broadest form that the advertisements that could be blocked, if the user chooses, are inserted into the tags of the web document download from the server. Cragun also mentions that the advertisements can come in many forms, which is files, data packets, or data streams. These advertisement forms are way of manipulating a characteristic of the window to prevent the window from being blocked, and the user has the choice if he/she wants the window to be blocked.

18. In regards to claim 16, Cragun discloses the act of repeatedly manipulating a characteristic of the window includes repeatedly turning ON a visibility attribute of the window (col. 10 lines 17-22). The examiner interprets in the broadest form that the user has the ability of choosing to block or hide characteristics of the window by turning ON the block or hide attribute of the window, which is illustrated in Figure 7A.

19. In regards to claim 17, Landsman discloses the act of repeatedly manipulating a characteristic of the window includes repeatedly positioning the window in a screen location viewable by a user (col. 31 line 66- col. 32 line 11). The examiner interprets the claim in the broadest form by positioning the window in a screen location viewable by a user, means the when ever a advertisement is display on a window or frame, which it is also being displayed on the screen makes it viewable for the user. Landsman states that after the advertisements are downloaded in the cache it is played on a viewable window or frame.

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20. In regards to claim 18, Cragun states the act of preventing the window from being blocked includes delaying the launching of the window (col. 10 lines 35-37 and Figure 7b).

21. In regards to claim 19, Cragun the act of preventing the window from being blocked includes using a part of a domain name in a URL of the window, wherein the window is not served from a server computer corresponding to the domain name (col. 10 lines 27-37).

22. In regards to claim 20, Cragun the act of preventing the window from being blocked includes intercepting an event to close the window and then hiding the window from a user's view (col. 11 lines 50-58). The examiner interprets in the broadest form that if the object is being hidden, which it is clear that the it is not being blocked, and the event to close the object's event in the information processing system is being intercepted. Cragun states if an object is being hidden it is still displayed to the user, just not shown to the user.

23. In regards to claim 21, the act of preventing the window from being blocked includes momentarily changing a status bar of a browser to reflect a URL of the window.

24. In regards to claim 22, Landsman states the act of preventing the window from being blocked includes inputting keystroke combinations into a browser (col. 25 lines 12-19). The prior art states that the interface is connected to keyboard event and mouse events.

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25. In regards to claim 23, Landsman discloses the act of preventing the window from being blocked includes triggering mouse events (col. 25 lines 12-19). The prior art states that the interface is connected to keyboard event and mouse events.

26. In regards to claim 24, Landsman states the act of preventing the window from being blocked includes setting the title bar of the window (col. 13 lines 45-47).

27. In regards to claim 25, Landsman states the act of preventing the window from being blocked includes using a single web server computer having a rotating list of messages to serve the window (col. 15 lines 56-67 & col. 21 lines 32-35). The examiner interprets in the broadest form that the single web server computer can communicate to a server that has a list of URL, which could be display in a frame of window.

28. In regards to claim 26, Landsman states the act of preventing the window from being blocked includes serving the window from a secure domain (col. 8 lines 21-25). Talk about how the network can be setup using a LAN or an internet server. The LAN is a more secure network because a private network, which no one can go out or coming without going to a proxy or firewall, while the internet server is less secure because it is a public network, which allows anyone to get access to information.

29. In regards to claim 27, Crugan states the act of preventing the window from being blocked includes altering a list of the window-blocking mechanism (col. 10 lines 28-37) The block list in Figure 7b can be altered by the user if he/she wish to remove or change the URL in the list.

30. In regards to claim 28, Cragun discloses the act of preventing the window from being blocked includes making the window not responsive to a browser application

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programming interface (API) (col. 10 lines 27-40). The examiner interprets in the broadest form that when the user has the ability to block images that are linked to another URL in a web-browser. The examiner considers the image is a attribute because it allows the browser to call an API function to open or even display another page on web-browser. This way if the image is blocked, a user and the web-browser itself are not allowed to access the image's URL.

31. In regards to claim 29, Cragun states the act of making the window not responsive to a browser API includes setting an attribute of a browser control embedded in the window. (col. 10 lines 27-40). The examiner interprets in the broadest form that when the user has the ability to block images that are linked to another URL in a web-browser. The examiner considers the image is a attribute because it allows the browser to call an API function to open or even display another page on web-browser. This way if the image is blocked, a user and the web-browser itself are not allowed to access the image's URL.

32. In regards to claim 30, Landsman shows an internet distributor of advertisements that is download to the client computer by the server computer via network. The server forces information to the client browser, which is additional code that is inserted into the client browser, that allows an advertisement to be displayed on the screen. Specifically, an HTML advertising tag is embedded into a web page. Also, Landsman discloses computer-readable program code for launching a new window, the new window destined to display content from a remotely located server computer (col. 22 lines 10-25); and

Landsman does not disclose a method of removing an advertisement blocker, meaning when the server forces information to the client browser, the browser refuses to accept the data from the server. Also, Landsman does not state computer-readable program code for preventing the window from being blocked by a window-blocking computer program. If an advertisement blocker is enabled on a client browser, Landsman essentially develop a strategy to overcome the advertisement blocker.

Cragun shows the ability for a browser to selectively disable or enable viewable objects on a document. The object's functionality of being displayed is controlled by the tags in the browser by the user selection. The user decides which tags are blocked and the browser saves the control tags for the objects.

It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to make an innovative software that has the ability to block an advertisement blocker, which was stated by Cragun, to allow advertisement to be sent to client browsers, which was stated in Landsman.

The modifications would have been obvious because one of ordinary skill in the art would have been motivated to suggest that advertisement distributor over the network should also have the ability of removing an advertisement blocker so that the advertisements in a browser could be displayed.

33. In regards to claim 31, Landsman discloses the window includes a browser window (col. 9 lines 12-19).

34. In regards to claim 32, Cragun discloses the window includes a dialog box (col. 10 lines 17-19).

35. In regards to claim 33, Cragun states the window-blocking computer program blocks pop-ups (col. 10 lines 17-22). The examiner interprets in the broadest form that if the application is able to block images that are in different browser then, the application also has the ability to block image in a pop-up window.

36. In regards to claim 34, Landsman shows an internet distributor of advertisements that is download to the client computer by the server computer via network. The server forces information to the client browser, which is additional code that is inserted into the client browser, that allows an advertisement to be displayed on the screen. Specifically, an HTML advertising tag is embedded into a web page. Also, Landsman discloses computer-readable program code for launching a new window, the new window destined to display content from a remotely located server computer (col. 22 lines 10-25); and

Landsman does not discloses a method of removing an advertisement blocker, meaning when the server forces information to the client browser, the browser refuses to accept the data from the server. Also, Landsman states the method including the act of displaying the message in a main browser window for a period of time in-between navigations (col. 9 line 61 – col. 10 line 4). Landsman does not states computer-readable program code for preventing the window from being blocked by a window-blocking computer program. If an advertisement blocker is enabled on a client browser, Landsman essentially develop a strategy to overcome the advertisement blocker.

Cragun shows the ability for a browser to selectively disable or enable viewable objects on a document. The object's functionality of being displayed is controlled by the

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tags in the browser by the user selection. The user decides which tags are blocked and the browser saves the control tags for the objects. Also, Cragun states A method for allowing a message to be displayed in a client computer that includes a window-blocking computer program (col. 10 lines 17-22).

It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to make an innovative software that has the ability to block an advertisement blocker, which was stated by Cragun, to allow advertisement to be sent to client browsers, which was states in Landsman.

The modifications would have been obvious because one of ordinary skill in the art would have been motivated to suggest that advertisement distributor over the network should also have the ability of removing an advertisement blocker so that the advertisements in a browser could be displayed.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to O'Neal R Mistry whose telephone number is (703) 305-2738. The examiner can normally be reached on 9am - 6pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W Cabeca can be reached on (703)308-3116. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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